

ASSEMBLY BILL

No. 1789

Introduced by Assembly Member Gilmore

February 10, 2010

An act to amend Section 41787 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1789, as introduced, Gilmore. Solid waste: diversion requirements.

Existing law authorizes the Department of Resources Recycling and Recovery to reduce the diversion requirements for rural cities and counties if the rural city or county demonstrates, and the department concurs, based on substantial evidence in the record, that achievement of the diversion requirements is not feasible due to 2 specified conditions.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41787 of the Public Resources Code is
2 amended to read:
3 41787. (a) (1) ~~The board~~ *Department of Resources Recycling*
4 *and Recovery* may reduce the diversion requirements of Section
5 41780 for a rural city if the rural city demonstrates, and the ~~board~~
6 *department* concurs, based on substantial evidence in the record,

1 that achievement of the diversion requirements is not feasible due
2 to both of the following conditions:

3 (A) The small geographic size or low population density of the
4 rural city.

5 (B) The small quantity of solid waste generated within the rural
6 city.

7 (2) The ~~board~~ department may reduce the diversion requirements
8 of Section 41780 for the unincorporated area of a rural county if
9 the rural county demonstrates, and the ~~board~~ department concurs,
10 based on substantial evidence in the record, that achievement of
11 the diversion requirements is not feasible due to both of the
12 following conditions:

13 (A) The large geographic size or low population density of the
14 rural county.

15 (B) The small quantity of solid waste generated within the rural
16 county.

17 (3) The ~~board~~ department may grant a reduction in diversion
18 requirements pursuant to this subdivision only if the rural city or
19 the rural county demonstrates to the ~~board~~ department, and the
20 ~~board~~ department concurs, based on substantial evidence in the
21 record, that it has, at a minimum, implemented all of the following
22 programs:

23 (A) A source reduction and recycling program designed to
24 handle the predominant classes and types of solid waste generated
25 within the rural city or rural county.

26 (B) A public sector diversion and procurement program.

27 (C) A public information and education program.

28 (b) If, as part of the review performed pursuant to Section 41825,
29 the ~~board~~ department finds that a rural city or a rural county, which
30 previously qualified for a reduction in diversion requirements
31 pursuant to subdivision (a), is no longer eligible for that reduction,
32 the ~~board~~ department shall issue an order requiring the rural city
33 or rural county to comply with the diversion requirements of
34 Section 41780.